

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13025 of Husie S. Cross, et al., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the driveway width requirements (Sub-section 7206.5) to allow a driveway less than fourteen feet in width to serve proposed parking for an existing apartment house in an R-5-A District at the premises 1362 Fort Stevens Drive, N.W., (Square 2791, Parcel 87/404).

HEARING DATE: August 22, 1979
DECISION DATE: September 5, 1979

FINDINGS OF FACT:

1. The subject property is located in an R-5-A zone district at 1362 Fort Stevens Drive, N.W.
2. The property is presently improved with a brick four unit apartment house structure.
3. The application proposes to provide four parking spaces at the rear of the premises for use by the tenants of the apartment house.
4. Sub-section 7206.5 requires an aisle of at least fourteen feet for accessibility to parking spaces which serve an apartment house. There is an existing side yard to the west of the building. That side yard is nine feet wide for the most part, but narrows to only seven feet at an existing chimney. The applicant proposes to pave the existing side yard and use it for access to parking spaces at the rear. The applicant thus needs a variance of seven feet from the fourteen foot requirement at the narrowest point.
5. The subject property can accommodate four regulation size parking spaces at the rear of the property. The spaces will be separated from the building by at least twenty feet.
6. The applicant testified that on street parking in the area was at a premium, with area residents double parking overnight.

7. The applicant also testified that there is no way to increase the width of the proposed driveway, since the proposed seven feet extends to the chain link fence on the property line. The area to the west is not part of the applicant's property.

8. The applicant testified that the cars presently owned by the tenants of the building are narrow enough to pass through the proposed driveway. The applicant further testified that large cars do not exceed eighty inches in width and can negotiate the proposed driveway.

9. There was no report from Advisory Neighborhood Commission 4A on this application.

10. There was no opposition to the granting of this application.

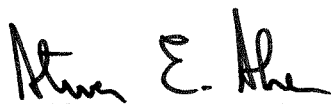
CONCLUSIONS OF LAW AND OPINION:

Based on the above findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that the configuration of the existing building on the lot and the inability of the applicant to add to the width of the driveway creates such a practical difficulty. The Board further concludes that the parking spaces are accessible and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Accordingly, it is hereby ORDERED that this application is hereby GRANTED.

VOTE: 3-1 (Chloethiel Woodard Smith and Charles R. Norris to grant, Ruby B. McZier to grant by proxy, Leonard L. McCants opposed and William F. McIntosh not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 22 OCT 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.